

RECEIVED
CENTRAL FAX CENTERApplication No. 10/650,058
PETITION

Customer No. 01933

JAN 30 2006

Attorney Docket No. 03505/LHCERTIFICATE OF FACSIMILE
TRANSMISSION**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

TO NO. 1-571-273-8300

TOTAL PAGES: 9

Applicant(s): Susumu MATSUI et al

I hereby certify that
this paper is being
facsimile transmitted to
the Commissioner for
Patents on the date noted
below.

Serial No. : 10/650,058

Filed : August 27, 2003

For : OPTICAL DEFLECTION DEVICE
AND OPTICAL SCANNING
APPARATUS EQUIPPED THEREWITH
Nalini P. SahadeoDated: January 30, 2006

Art Unit : 2872

Examiner : Euncha P. Cherry

In the event that this
Paper is late filed, and
the necessary petition
for extension of time is
not filed concurrently
herewith, please consider
this as a Petition for
the requisite extension
of time, and to the
extent not tendered by
form PTO-2038 attached
hereto, authorization to
charge the extension fee
to Account No. 06-1378.**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181. NO FEE REQUIRED**Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450S I R : **MAIL STOP ISSUE FEE**

It is respectfully requested that the NOTICE OF ABANDONMENT dated January 23, 2006 (copy attached) be WITHDRAWN because the Issue Fee was timely paid on December 12, 2005.

In support of this Petition, submitted herewith are:

1. Copy of signed Form PTOL-85, with an executed "Certificate of Mailing or Transmission", which was filed in the USPTO by facsimile on December 12, 2005;
2. Form PTO-2038 authorizing payment from a credit card account which was also filed in the USPTO by facsimile on December 12, 2005, with said Form PTOL-85;
3. Fee Address Indication Form (PTO/SB/47) which was filed in the USPTO by facsimile on December 12, 2005 with payment of the Issue Fee;

Application No. 10/650,058
PETITION

Customer No. 01933

4. Facsimile transmission report from the facsimile machine in the office of the undersigned indicating that the above-described three page facsimile transmission was received by the USPTO; and
5. Auto-Reply Facsimile Transmission Report received from the USPTO on December 12, 2005 evidencing that the USPTO received our payment of the Issue Fee (3 pages).

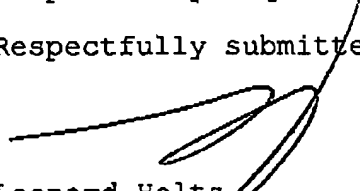
In view of the foregoing, it is respectfully submitted that timely payment of the Issue Fee on December 12, 2005 has been demonstrated.

Fee

No Petition Fee should be due in this matter. However, if is determined that a petition fee is required, authorization is given to charge any required petition fee to Account No. 06-1378.

Favorable action on this Petition to withdraw the Notice of Abandonment dated January 23, 2006, and to pass the present application to issue, is respectfully requested.

Respectfully submitted,



Leonard Holtz
Reg. No. 22,874

January 30, 2006

FRISHAUF HOLTZ GOODMAN & CHICK, P.C.
220 FIFTH AVENUE
NEW YORK, N.Y. 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
LH:nps

JAN. 30. 2006 4:58PM

+1-212-319-5101 customer 01933

NO. 6714 P. 6 p. 1

* * * COMMUNICATION RESULT REPORT (DEC. 12. 2006 10:44AM) * * *

FAX HEADER 1: Frishauf & Partners +12123195101
FAX HEADER 2: +1-212-319-5101 customer 01933TRANSMITTED/STORED : DEC. 12. 2005 10:41AM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

4207 MEMORY TX

G3 :USPTO Issue Fees

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REASON FOR ERROR OR LINE FAIL
E-1) HANG UP OR LINE FAIL
E-2) NO ANSWER
E-3) MAIL SIZE OVERE-2) BUSY
E-3) NO FACSIMILE CONNECTION

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSV, EE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed with appropriate information. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notification.

CURRENT CORRESPONDENCE ADDRESS (Name Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of Fee(s) transmittal. This certificate cannot be used for any other necessary papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

1999 7590 09/12/2003
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 5TH AVE FL 16
NEW YORK, NY 10001-7708Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the U.S. State Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop, ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.B. Villand
Deposited on
12/12/05
VIA FAX - 12/12/05

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,058	08/27/2003	Suzanne Matrui	03505/LH	7364

TITLE OF INVENTION: OPTICAL DEFLECTION DEVICE AND OPTICAL SCANNING APPARATUS EQUIPPED THEREWITH

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	12/12/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHERRY, RUNCHE P	2872	959-216000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address from PTO/SB/123) attached.
☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 3 registered patent attorneys or agents. If no name is listed, no name will be printed.

FRISHAUF, HOLTZ,
GOODMAN & CHICK, P.C.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE
Konica Corporation(B) RESIDENCE (CITY and STATE OR COUNTRY)
Tokyo, JapanPlease check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.
☒ Payment by credit card. Form PTO-209 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment Deposit Account Number (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.37.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.37(a)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant's registered attorney or agent, or the assignee or other part interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date 12/12/05

Typed or printed name Leonard Roffe

Registration No. 22,974

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form, and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1430, Alexandria, Virginia 22313-1430. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 14 Alexandria, Virginia 22313-1430.

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3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

DEC 12 2005 10:42AM From: [redacted] To: [redacted] FAX 4267 P. 1

Complete and send this form, together with applicable fee(s), to: **Mail Stop 1581, P.O. Box 1450, Alexandria, Virginia 22313-1450** or Fax: (571) 277-5000

INSTRUCTIONS: This form should be used for transmitting the 2005 USPTO Form PTO/USPTO (or equivalent) to the Office. Section 1 should be completed and returned to the Office. Sections 2 through 4 should be completed and returned to the Office. Section 5 should be completed and returned to the Office. Section 6 should be completed and returned to the Office. Section 7 should be completed and returned to the Office. Section 8 should be completed and returned to the Office. Section 9 should be completed and returned to the Office. Section 10 should be completed and returned to the Office. Section 11 should be completed and returned to the Office. Section 12 should be completed and returned to the Office. Section 13 should be completed and returned to the Office. Section 14 should be completed and returned to the Office. Section 15 should be completed and returned to the Office. Section 16 should be completed and returned to the Office. 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Section 97 should be completed and returned to the Office. Section 98 should be completed and returned to the Office. Section 99 should be completed and returned to the Office. Section 100 should be completed and returned to the Office.

1. FILL IN THESE AREAS:

Applicant's Name: **FRISHAULT, HOLTS, GOODMAN & CRICK, PC**
Address: **220 5TH AVE FL 16, NEW YORK, NY 10001-7706**

2. TITLE OF INVENTION: OPTICAL DEFLECTION DEVICE AND OPTICAL SCATTERING APPARATUS EMPLOYING THE SAME

3. CLASS OF INVENTION: **MO** **5140** **5200** **5700** **5710** **5720**

4. CLASS OF INVENTION: **MO** **5140** **5200** **5700** **5710** **5720**

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100. CLASS OF INVENTION: **MO** **5140** **5200** **5700** **5710** **5720**

JAN. 30. 2006 4:59PM

+1-212-319-5101 customer 01933

NO. 6714 P. 8⁷

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,058	08/27/2003	Susumu Matsui	03505/LH	7364

1933 7590 01/23/2006

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

CHERRY, BUNCH A P

ART UNIT

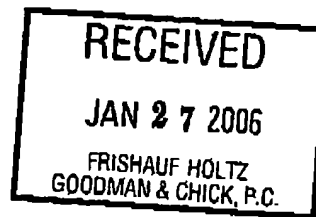
PAPER NUMBER

2872

DATE MAILED: 01/23/2006

*Note of Abandonment/Petition
to withdraw abandonment
due: 3/23/06*

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment	Application No.	Applicant(s)	
	10/650,058	Matsui	
	Examiner	Art Unit	
	CHERRY	2872	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0